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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,494	06/06/2001	Hirotoshi Yamada	2611-0149P	5368

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EXAMINER	
CHOU, ALBERT T	
ART UNIT	**PAPER NUMBER**
2662	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/857,494	YAMADA ET AL.	
	Examiner	Art Unit	
	Albert T. Chou	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,9-12 and 17-19* is/are rejected.

7)☒ Claim(s) *5-8 and 13-16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 June 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 26-30 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 9-12, 17, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (US Patent Number: 5,541,926) hereinafter referred to as Saito.

4. Regarding claims 1 and 18, Saito teaches (Figure 16) an ATM cell disassembly unit (*a cell disassembly unit*), along with a cell disassembly method, comprising an **ATM Processing Unit 601**, an **Output Processing Unit 603**, a **Control Unit 604** and a

Buffer Unit 602. Saito also teaches (Figure 16; col. 19, lines 58-67; col. 20, lines 1-4) that the ATM cell disassembly unit receives the ATM cell flow, takes out the cells from the entered ATM flow (*disassembles a cell received from an ATM circuit interface*), extracts the data from the payload sections of these cells (*extracts data from payload*), loads the extracted data into selective ones of the time slots in the STM frame to obtain the STM signals in frame structures (*distributes data in plural time slots according to the sender*) and outputs the obtained STM signals (*sends out to an STM circuit interface*). Saito further teaches (col. 21, lines 66-67; col. 22, lines 1-2) that the **Jitter Absorption Buffer Unit 612** (*a buffer provided in each time slot to absorb fluctuations of the cell*) within the **ATM Processing Unit 601** (Figure 17) is formed by the large capacity RAM, which temporarily stores the data outputted from the **Filter Unit 611** (*stores the data in each time slot temporarily in said buffer*) and outputs the stores data to the **AAL Processing Unit 613**.

5. Regarding claim 2, Saito teaches (Figure 17; col. 21, lines 22-24) that the start of the storing of the data into the **Jitter Absorption Buffer Unit 612** is notified from the **Filter Unit 611** to the **Jitter Absorption Timer 614** (*accumulates data after start of communication by writing data distributed in each time slot into said buffer*). Saito also teaches (Figure 17; col. 22, lines 41-53) that the **FIFO Remaining Capacity Measurement Unit 631** outputs an **Output Processing Unit Enable** signal as an operation permission signal to the **Output Processing Unit 603** (*reads out the data from the said buffer and sends out the read data to said STM circuit interface*) whenever the measured remaining capacity of the FIFO becomes less than or equal to a

predetermined threshold value (*data accumulated amount in said buffer reaches a prescribed amount*).

6. Regarding claims 3 and 11, Saito teaches (Figure 17; col. 22, lines 51-53) that a predetermined threshold value can be specified by the **Control Unit 604** at the time of the call set up or specified in advance as a fixed value (*The cell disassembly device comprising a setting unit which sets the prescribed amount or first prescribed time*).

7. Regarding claims 4 and 12, Saito teaches (Figures 17-21; col. 22, lines 41-46) that the **FIFO Remaining Capacity Measurement Unit 631** (*the cell disassembly device comprising a measuring unit*) measures the currently remaining capacity of the FIFO (*measures fluctuations of the cell*) in terms of the number of words in real-time and outputs the measurement result to the **Data Take Out Judgment Circuit 632** of the **Error Recovery Unit 621** within the **AAL Processing Unit 613** (*setting unit sets the value of the prescribed amount or first prescribed time on the basis of the result of measurement by measuring unit*).

8. Regarding claims 9 and 17, Saito teaches that the **Data Take Out Judgment Circuit 632** (Figure 21; col. 22, lines 54-59) makes a judgment regarding whether or not to take out the data stored in the **Jitter Absorption Buffer Unit 612** (Figure 17) (*stops reading out from the buffer having the underflow*) according to the to the currently remaining capacity of the **Buffer Unit 602** (Figure 16) measured by the **FIFO Remaining Capacity Measurement Unit 631**. Saito also teaches that the **FIFO Remaining Capacity Measurement Unit 631** (Figure 21; col. 22, lines 46-51) outputs an **Output Processing Unit Enable** signal as an operation permission signal to the

Output Processing Unit 603 (Figures 16 & 26) whenever the measured remaining capacity of the FIFO becomes less than or equal to a predetermined threshold value (*resumes reading out when data accumulated amount reaches again the prescribed amount or passing a second prescribed time after the occurrence of underflow*).

9. Regarding claim 10, Saito teaches (Figure 17; col. 21, lines 22-24) that the start of the storing of the data into the **Jitter Absorption Buffer Unit 612** is notified from the **Filter Unit 611** to the **Jitter Absorption Timer 614** (*accumulates data after start of communication by writing data distributed in each time slot into said buffer*). Saito also teaches (Figure 17; col. 22, lines 41-53) that the **FIFO Remaining Capacity Measurement Unit 631** outputs an **Output Processing Unit Enable** signal as an operation permission signal to the **Output Processing Unit 603** (*reads out the data from the said buffer and sends out the read data to said STM circuit interface*) when the timer up notice (Figures 17 & 21; col. 28, lines 10-14) permitting the start of the operation at the **AAL Processing Unit 613** is received from the **Jitter Absorption Timer 614** at the **Data Take Out Judgment Circuit 632** (*after passing a first prescribed time*).

10. Regarding claim 19, "*A computer-readable recording medium recording a computer program for causing a computer to execute a cell disassembly method*" is inherent in Saito. Saito discloses, in Figures 16-21, a cell disassembly device comprises an **ATM Processing Unit 601**, an **Output Processing Unit 603**, a **Control Unit 604** and a **Buffer Unit 602.** Saito also discloses the **Buffer Unit 602** (*computer-readable recording medium*) comprises a dual port RAM and functions as a FIFO

memory (col. 20, lines 26-27), the **Jitter Absorption Buffer Unit 612** is formed by the large capacity RAM (col. 21, lines 66-67) and the **Control Unit 604** has various information specified either externally or in internal ROM in advance (col. 23, lines 66-67). This means that the cell disassembly device in Saito comprises the large capacity of RAM and ROM (*A computer-readable recording* medium), which are logically divided into a plurality of memory segments for storing the computer program and application information (*A computer-readable recording medium recording a computer program*). In order for the device to carry out the functions according to Sato's invention, the cell disassembly software program and application data must be loaded in advance into the cell disassembly device for execution before the device becoming operable and functioning (*A computer program for causing a computer to execute a cell disassembly method*).

Allowable Subject Matter

11. Claims 5-8, 13-15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can

be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
Albert T. Chou
January 4, 2005

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